

HOUSE BILL No. 2023

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10.2.

Synopsis: Minimum benefit for retirees. Provides that a member of the public employees' retirement fund (PERF) or teachers' retirement fund (TRF) who retires at normal retirement age is entitled, after June 30, 2001, to a minimum monthly benefit in an amount determined according to the member's years of creditable service. Provides that the minimum monthly benefit applies only to a member and not a survivor or beneficiary. Provides that if a member's only creditable service is service as an elected official, the member is not eligible for a minimum monthly benefit.

Effective: July 1, 2001.

Kromkowski

January 17, 2001, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2023

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-10.2-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) **Except as**
3 **provided in IC 5-10.2-4-4.1**, each member's creditable service, for the
4 purpose of computing benefits under this article, consists of all service
5 in a position covered by a retirement fund plus all other service for
6 which the retirement fund law gives credit.
7 (b) No member may be required to pay any contributions for service
8 before he is covered by this article as a condition precedent to receiving
9 benefits under this article. However, he must furnish proof of the
10 service to the board of the fund under which he claims service.
11 (c) A member who has past service as an employee of the state or
12 a participating political subdivision in a position which was not
13 covered by the retirement fund is entitled to credit for this service if the
14 position becomes covered before January 1, 1985, by the Indiana state
15 teachers' retirement fund, the public employees' retirement fund, or the
16 retirement fund for the state board of accounts and if he submits proof
17 of the service to the secretary of the fund in which he claims service.

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(d) A member who has past service in a position that was not covered by the retirement fund is entitled to credit for this service if the position becomes covered after December 31, 1984, by a fund while he holds that position or another position with the same employer and if he submits proof of the service to the director of the fund in which he claims service.

(e) The proof required by this section must:

- (1) be submitted in a form approved by the director;
- (2) contain dates and nature of service and other information required by the director; and
- (3) be certified by the governing body or its agent.

(f) A member who is a state employee is entitled to service credit for the time the member is receiving disability benefits under a disability plan established under IC 5-10-8-7.

(g) If a participant in the legislators' defined benefit plan does not become entitled to a benefit from that plan, the PERF board or the TRF board shall include the participant's service in the general assembly in the determination of eligibility for, and computation of, benefits under PERF or TRF at the time the participant would be eligible to receive benefits under PERF or TRF. After benefits commence under PERF or TRF with the general assembly service included, the participant's general assembly service may not be used for the computation of benefits under IC 2-3.5-4.

(h) A member may receive service credit for all or a part of the member's creditable service in another governmental retirement plan under IC 5-10.3-7-4.5 and IC 21-6.1-4-4.5. A member may not receive credit for service for which the member receives service credit in another retirement plan maintained by a state, a political subdivision, or an instrumentality of the state for service that PERF or TRF would otherwise give credit.

(i) A member may use all or a part of the member's creditable service under PERF or TRF in another governmental retirement plan under the terms of the other plan. Creditable service used under the other governmental retirement plan may not be used in PERF or TRF.

SECTION 2. IC 5-10.2-4-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.1. (a) Notwithstanding any other provision of this article, IC 5-10.3, IC 21-6.1, or any other law, a member who:**

- (1) retires or has retired with unreduced monthly benefits for normal retirement under section 1(a) or 1(b) of this chapter;**
- (2) is entitled to receive a monthly benefit under this article;**

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1 and

2 (3) is at least sixty-five (65) years of age;
3 shall, after June 30, 2001, receive a monthly benefit in a minimum
4 amount determined under subsection (b).

5 (b) A member described in subsection (a) is entitled to receive
6 a monthly benefit in a minimum amount determined as follows:

7 (1) For a member with at least fifteen (15) but less than
8 sixteen (16) years of creditable service, the minimum monthly
9 benefit is one hundred fifty dollars (\$150).

10 (2) For a member with at least sixteen (16) but less than
11 seventeen (17) years of creditable service, the minimum
12 monthly benefit is one hundred sixty dollars (\$160).

13 (3) For a member with at least seventeen (17) but less than
14 eighteen (18) years of creditable service, the minimum
15 monthly benefit is one hundred seventy dollars (\$170).

16 (4) For a member with at least eighteen (18) but less than
17 nineteen (19) years of creditable service, the minimum
18 monthly benefit is one hundred eighty dollars (\$180).

19 (5) For a member with at least nineteen (19) but less than
20 twenty (20) years of creditable service, the minimum monthly
21 benefit is one hundred ninety dollars (\$190).

22 (6) For a member with twenty (20) or more years of creditable
23 service, the minimum monthly benefit is two hundred dollars
24 (\$200).

25 (c) The minimum monthly benefit payable under this section
26 applies only to benefits payable to a retired member and not to
27 benefits payable to a member's surviving spouse, surviving
28 dependent, or designated beneficiary.

29 (d) A member whose only creditable service is service as an
30 elected official is not eligible to receive a minimum monthly benefit
31 under this section.

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